

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

MARIAH D. HERNANDEZ,

Debtor.

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Order Filed on December 4, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 24-14880
Judge: ABA
Hearing Date(s): November 26, 2024
Chapter: 13

Recommended Local Form


☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4), is **ORDERED**.

DATED: December 4, 2024



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Applicant: Goldcrest Properties a/k/a East Park Apartments ("Landlord")
Applicant's Counsel: Moshie Solomon, Esq., Law Offices of Moshie Solomon, P.C.
Debtor's Counsel: Seymour Wasserstrum, Law Offices of Seymour Wasserstrum
Property Involved ("Premises"): 1047 East Park Avenue, Unit E5, Vineland, NJ 08360
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 4 months, from August 2024 to November 2024.
- ☒ The Debtor is overdue for 4 payments at \$ 707.00 per month. (\$691.00 in partial unpaid rent, plus a monthly \$16.00 asset protect charge)
- ☒ The Debtor is assessed for 4 late charges at \$ 50.00 per month.
- ☒ Applicant acknowledges receipt of funds in the amount of \$ 284.00 received after the motion was filed.

Total Arrearages Due \$ 3,028.00.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.
- ☒ Beginning on December 1, 2024, regular monthly lease payments shall continue to be made in the amount of \$ 975.00 (plus \$16.00 asset protect charge).
- ☒ Beginning on December 1, 2024, additional monthly cure payments shall be made in the amount of \$ 504.66 for 6 months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Landlord shall be made to the following address(es):

☐ Immediate payment: _____

☒ Regular monthly payment: East Park Apartments LLC
c/o Goldcrest Properties LLC
1500 Avenue of the States, Suite 308
Lakewood, NJ 08701-4791

☒ Monthly cure payment: East Park Apartments LLC
c/o Goldcrest Properties LLC
1500 Avenue of the States, Suite 308
Lakewood, NJ 08701-4791

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within **ten (10) days** of the date the payments are due, then the Landlord may obtain an Order Vacating the Automatic Stay to permit the Landlord to initiate or resume an action in the state court of New Jersey for possession of the Premises by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney. **Landlord may be entitled to attorney's fees and costs with respect to any objections filed to the Certification.**

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☒ Attorneys' fees are not awarded.